



BOARD OF PUBLIC WORKS & SAFETY MARCH 24, 2005 MINUTES

Mayor Charles Henderson called the meeting to order at 6:00 p.m.

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| PRESENT: | Board members Warren Beville, Mayor Henderson, Kevin Hoover; Clerk-Treasurer Jeannine Myers; City Attorney Shawna Koons-Davis; and Director of Engineering Paul Peoni. |
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Mr. Beville moved that the minutes of the regular session of March 10th be approved as presented. Second by Mr. Hoover. Vote: Ayes. Motion carried.

Fire Chief Steve Dhondt came before the Board to discuss the proposed new fire station on Graham Road, east of I-65 in the overlay zone. The Redevelopment Commission (GRC) has approved the design. In moving forward with financing, Chief Dhondt wanted to present the first phase of architectural services to the GRC at their March 8th meeting but they did not have a quorum to act on that. Since typically the GRC asks for some assurance that the City wants to move forward with the project. Chief Dhondt had a rendered drawing and a basic floor plan of the proposed new station along with a proposed budget from the architect. The satellite station on the east side is a one-story brick structure, designed to fit in with the area. There are two drive-through bays with living quarters for adequate staffing. Initially, said the Chief, they will probably run just one engine. Based on the architect's best estimate, the project comes to a total of \$1,873,000. Chief Dhondt showed a comparison of other satellite stations built within the last few years. Mr. Hoover moved to endorse the project officially to the GRC. Second by Mr. Beville. Vote: Ayes. Motion carried. Chief Dhondt asked about the possibility of a property tax backup if the need should arise. Using cash on hand is another possibility. That would be a Council decision. Mayor Henderson personally would like to see the GRC wait to do a bond issue until they needed to. Chief Dhondt described his urgency as wanting to take advantage of savings by getting the project under contract as soon as possibly, not to have the station operating in 2005 or early 2006.

Max Cooper of Projects Plus, for Greenwood Station, requested a waiver of the drainage requirement that the minimum size of the pond needs to be ½ acre. He described another pond that is .28 acres, almost .3 acre, and showed a drawing. All the ponds in the project meet or exceed the requirement, noted Mr. Cooper, but this one. They would need to relocate several thousand feet of ditch if they were to make the pond larger, he told the Board. Mr. Cooper then discussed IDEM changes in getting a permit. Mr. Peoni recalled that the primary plat was presented about 1½ years ago and with a much larger pond in that same area and a relocation of the ditch. They have been building out their sections, he added, and for some reason they want to build the section that affects this pond and want to try to change all the grades in the primary plat that have yet to be built, making a detention area much larger to accommodate the other pond areas. Mr. Cooper described a similar situation with a creek relocation, which was approved with no problem. This project was being handled by a former employee with Projects Plus working with the developer, he said. There was then discussion on a green space requirement, and Mr. Peoni wanted to make sure that none of that was being affected also. Mr. Cooper said that all requirements would be met with the exception of this one pond. Mr. Hoover moved to continue the matter until the next meeting to have time to review. Second by Mr. Beville. Vote: Ayes. Motion carried.

For the Reserve at Timbers Edge Phase 2 Buildings 19 & 20, Mr. Cooper asked for acceptance of the amended final plat as-builts. Mr. Peoni confirmed that the plat is in acceptable form but he needs to keep it to give it to the Planning Department. Mr. Hoover moved to accept the amended final plat as-builts as described. Second by Mr. Beville. Vote: Ayes. Motion carried.

Code Enforcement Officer John Myers was next to discuss a complaint at 434 Southgate Drive, received February 7th. The complainant stated there were seven trash barrels, four trash bags, a door and open trash sitting out at the curb site. The bag had ripped open and trash was falling out. Mr. Myers talked with the owner, Jesse D. Lanham of 276 Yorktown Road. The tenant is Lori M. James. Mr. Myers went

to the location and left a ten-day notice to clean up the trash, junk and debris in the yard and clean up the open trash at the curb site. On February 15th Mr. Myers took pictures of the violation; it had not been abated. He observed trash along the north side of the house with what appear to be junked bicycles and a junked water heater in the back yard. On February 24th the violation appeared to have been corrected, with trash removed at the curbside along with the water heater. Mr. Myers called the complainant to advise her of this. On March 7th, Code Enforcement received a second complaint about a resident putting out over limit of trash containers, with trash being blown down the street and over neighbors' yards. Certified letters were sent to the owner of the property and to the tenant, advising them of the action necessary to rectify the situation. Return receipts were received. Mr. Myers took more pictures today, finding that the water heater had been moved to the north side of the house, trash in the backyard, and a scooter in the sidewalk. The violation still exists. The owner was present and told the Board that when he drove by there was no trash in the front yard. He said he had told the tenant to leave the water heater until he saw it. Mr. Lanham said he did not go into the backyard. Mr. Hoover found that a nuisance exists at 434 Southgate Drive because of trash and debris around the property and give seven days to abate the nuisance, the City Attorney is directed to take whatever steps she deems appropriate to remedy the situation and charge the cost back to the property owner. Second by Mr. Beville. Vote: Ayes. Motion carried.

Attorney Joe Van Valer came forward regarding the sanitary sewer at University Park. He recalled that the Board approved the assignment of sixteen easements to the City. The County Recorder would not accept them because they wanted a separate assignment for each easement. Mr. Hoover moved to authorize the Mayor on the Board's behalf to sign the separate assignment documents, subject to final review and approval by the City Attorney and the Director of Engineering. Second by Mr. Beville. Vote: Ayes.

Mr. Van Valer next discussed Mayfield at the Crossing, an assisted living facility, with 132 beds (30 for Alzheimer patients). They are asking for authorization for staff to begin preparation of a Sewer Service Agreement for 41 edu's. Mr. Peoni mentioned that he had not seen plans, but Mr. Van Valer assured the Board that plans are being prepared. Mr. Beville moved to authorize staff to begin preparation of a Sewer Service Agreement for Mayfield at the Crossing. Second by Mr. Hoover. Vote: Ayes.

On the City Attorney's Status of Tasks, and at her request, Mr. Beville moved to authorize the City Attorney and staff to prepare all documents necessary and convenient and take all action necessary, to bring civil action to recover the delinquent trash fees owned to the City on Account No. 1001132002. Second by Mr. Hoover. Vote: Ayes.

On his Status of Tasks, Mr. Peoni first discussed Greenwood Springs, Block 4, Lot 2. They are asking acceptance of their performance Letter-of-Credit (LOC) from Lincoln Bank, LOC# 1101, in the amount of \$24,113 for the dirtwork, storm sewers, erosion control and street improvements. Mr. Hoover moved to accept the performance Letter-of-Credit as described. Second by Mr. Beville. Vote: Ayes. On the same project, at the Director of Engineering's request, Mr. Beville moved to accept the Inspection & Testing Agreement for all improvements except sanitary sewer and ratify acceptance of the 50% fee. Second by Mr. Hoover. Vote: Ayes.

For Tuscany Village, Section 1 on Honey Creek Road, west of Alden Place, at Mr. Peoni's request. Mr. Beville moved to accept the Inspection & Testing Agreements for both sanitary sewers and all other improvements and to ratify acceptance of the 50% fee. Second by Mr. Hoover. Vote: Ayes.

Mr. Peoni noted that the sanitary sewers for Home Depot have been in for three years, and the developer is asking for release of the maintenance bond. The Sanitation Superintendent has confirmed that everything is acceptable in the field. Mr. Hoover moved to release maintenance bond #11S103797827 in the amount of \$29,221 for the sanitary sewers at the Home Depot site on State Road 135 and Smith Valley Road. Second by Mr. Beville. Vote: Ayes.

At the Clerk-Treasurer's request, Mr. Beville moved to ratify the disposal of an old copier in her office that was no longer of any use. Second by Mr. Hoover. Vote: Ayes.

Mr. Beville moved to accept the claims as presented through March 24, 2005. Second by Mr. Hoover. Vote: Ayes.

Mayor Henderson told the Board he would want to examine bond refinancing to find out if the Northern Park project could be funded without raising the bond payment. Mr. Beville moved to authorize Utility

Accountant Pat Sherman to look at the issue and bring back a recommendation. Second by Mr. Hoover.
Vote: Ayes.

With no further business, the meeting adjourned at 6:45 p.m.